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10/644,276

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EXAMINER

BAYARD, DJENANE M

ART UNIT

PAPER NUMBER

2141

MAIL DATE

DELIVERY MODE

12/12/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PK

Office Action Summary

Application No.

10/644,276

Applicant(s)

RAO ET AL.

Examiner

Djenane M. Bayard

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/21/07.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,9-15 and 19-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 9-15 and 19-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. This is in response to amendment filed on 9/21/07 in which claims 1, 9-15, 19-21 are pending.

Response to Arguments

2. Applicant's arguments with respect to claims 1 and 9 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 11 is rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent

Application No. 2003/0014373 to Perge et al.

- a. As per claim 11, Perge et al teaches the claimed invention as described above.

Furthermore, Perge et al teaches a matching network comprising means for the user to create questions in one or more categories (See page 3, paragraph [0030]), means for maintaining said questions in the database, means for answering said questions and maintaining the answers in the

database (See page 3, paragraph [0030-0032]), means for associating the questions and the answers, means for the user to assign weights to the question, answer and or question-answer pairs (See page 3, paragraph [0030]), means for using the questions and the answers to generate one or more weighted private and public personality profiles for the user (See page , means for the user to be characterized by one or more weighted private and public personality profiles, means for maintaining the private and public personality profiles in the database and the lookup tables, means for associating the personality profiles with one or more behavior models of the user (See page 3, paragraph [0028] and page 4, paragraph [0041-0042])).

5. Claims 9 is rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application No. 2002/0052873 to Delgado et al.

b. As per claim 9, Delgado et al teaches a matching network system comprising at least one communication device (See paragraph [0053]), servers comprising local and network servers at least one wired and wireless communication means (See paragraph [0033 and 0053]), means for products and services to be characterized by a plurality of personality comprising product personality profiles, service personality profiles, states and behavior models (See paragraph [0009]), means for matching product personality with user personality profile , and for matching service personality profiles with user personality profiles, wherein users comprise consumers, means for configuration and selection of products by product personality profiles and services by service personality profiles (See paragraph [0033 and 0038]), means for selection of at least one of products and services and for commerce transactions comprising purchasing at least one of

products and services (See paragraph [0033 and 0038]).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1, 13-14 and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0014373 to Perge et al in view of U.S. Patent Application No.2002/0052873 to Delgado et al.

a. As per claim 1, Perge et al teaches a method for matching business partners.

Furthermore, Perge et al teaches a matching network system comprising communication devices, local and or network servers (See page 3, paragraph [0025]), means for communication by wired or wireless methods means for communication by stationary and or mobile devices (See page 3, paragraph [0026], *wireless device*), means for communication between the communication devices and the local and or network servers (See page 3, paragraph [0025-0026]), means for an individual communication device user to maintain a plurality of personality profiles comprises public personality profiles and private personality profiles, states and behavior models (See page 3, paragraph [0028], *private presenter data and public presenter data*, page 4, paragraph [0042]), means for forming one or more groups comprising of individuals based on individual personality profiles (See page 5, paragraph [0054]) means for the group to maintain a plurality of private/public personality profiles, states and behavior models (See page 3, paragraph [0028] and page 4, paragraph [0041-0042]), means for communication between individuals based on selected personality profiles (See page 5, paragraph [0054]), means for communication between the individuals and groups based on personality profiles (See page 3, paragraph [0030] and page 4, paragraph [0044]), means for information acquirement based on personality profiles, However, Perge et al fails to teach means for products and services to be characterized by a plurality of personality profiles, comprising product personality profiles, service personality profiles, states and behavior models, means for matching product personality profiles with individual personality profiles, and for matching service personality profiles with individual personality profiles, wherein individuals comprise consumers, means for configuration and selection of products by product personality profiles and services by service personality profiles,

means for selection of at least one products and services and for commerce transactions comprising purchasing at least one products and services means for transactions based on at least one of individual and group personality profiles, wherein transaction comprise commerce transaction.

Delgado et al teaches means for products and services to be characterized by a plurality of personality profiles, comprising product personality profiles, service personality profiles, states and behavior models, means for matching product personality profiles with individual personality profiles, and for matching service personality profiles with individual personality profiles, wherein individuals comprise consumers, means for configuration and selection of products by product personality profiles and services by service personality profiles, means for selection of at least one products and services and for commerce transactions comprising purchasing at least one products and services means for transactions based on at least one of individual and group personality profiles, wherein transaction comprise commerce transaction (See paragraph [0009], paragraph [0033], paragraph [0038], paragraph [0048]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Delgado et al in the claimed invention of Perge et al in order to represent items profiles and user profiles as multi-level data structures and compares then at the attribute level to allow cross-domain recommendations (See page 2, paragraph [0013]).

b. As per claim 13, Perge et al in view of Delgado teaches the claimed invention as described above. Furthermore, Perge et al teaches means for characterizing the user with a

plurality of private and public personality profiles, means for the user to select from a plurality of private and public personality profiles for one or more types of communication, means for the utilization of said personality profiles for communication between one or more users, said users having matched or unmatched personality profiles (See page 7, paragraph [0063]).

c. As per claim 14, Perge et al in view of Delgado et al teaches the claimed invention as defined above. Furthermore, Perge et al teaches means for associating a personality TAG with at least one personality profile, means for associating a plurality of states with the personality profile, means for holding a desired state for a finite period of time, means for altering the state and holding a different state, means for associating a state Tag with at least one state, comprising as state of a user, a state of a website, a state of a web page, a state of a product, and a state of a service, (See page 4, paragraph [0044] and page 5, paragraph [0054]).

d. As per claim 20, Perge et al in view of Delgado et al teaches the claimed invention as defined above. Furthermore, Perge et al teaches a matching network system comprising, means for establishing groups with personality profiles and behavior models, means for establishing and implementing the rules via the rules processor, means for negotiation between two or more groups to establish a group to group relationship, means for matching of the groups and collaboration, means for managing the groups by means of the communication device itself and or the local or network server and the management software resident on them (See page 4, paragraph [0034] and [0042])

e. As per claim 21, Perge et al in view of Delgado et al teaches the claimed invention as described above. Furthermore, Perge et al teaches means for forming super groups consisting of one or more groups and individuals, means for defining the super group personality profiles, means for negotiation with a plurality of groups to join the super group, means for administering the super group, means for utilizing the communication device and or the local or network servers and the software resident on them, means for mining relationships of groups and members based on user defined permissions (See page 3, paragraph [0028] and page 4, paragraph [0034], [0042]).

8. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0014373 to Perge et al in view of U.S. Patent Application No. 2002/0052873 to Delgado et al as applied to claim 1 above, and further in view of U.S. Patent Application No. 2002/0194334 to Focant et al.

a. As per claim 10, Perge et al teaches the claimed invention as described above. However, Perge et al fails to teaches means for configuring products and service with RF tags, means for coding the RF tags with the product personality profiles and the service personality profiles, means for communicating with the RF tag by means of the communication device, means for selection of at least one of a product and a service by means of the communication device, means for conducting a commerce transaction by means of the communication device.

Focant et al teaches means for configuring products and service with RF tags, means for coding the RF tags with the product personality profiles and the service personality profiles, means for communicating with the RF tag by means of the communication device, means for selection of at least one of a product and a service by means of the communication device, means for conducting a commerce transaction by means of the communication device (See pages 1 and 2, paragraph [0016]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Focant in the claimed invention of Perge et al to provide several users using the same processor system his own preferences (See page 1, paragraph [0016]).

9. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0014373 to Perge et al in view of U.S. Patent Application No. 2002/0052873 to Delgado et al as applied to claim 1 above, and further in view U.S. Patent Application No. 2002/0040310 to Lieben et al.

a. As per claim 12, Perge et al teaches the claimed invention as described above. However, Perge et al fails to teach means for a user to query another user with questions in one or more categories means for each user to associate the questions of one user with the answers of the other user, means for assigning weights to the question answer pairs, means for maintaining said question and answers in the database and lookup tables, means for each user to define rule sets comprising at least one rule for each personality profile, means for enabling the personality of

profile of the user to be checked to conform to the rules, means for ensuring that the interactions between the users conform to the rules set by each user, means for developing and enabling the behavior model for each user, means for enabling interaction between users utilizing the user selected personality profiles.

Lieben et al teaches means for one user to query the other user with questions in one or more categories means for each user to associate the questions of one user with the answers of the other user, means for assigning weights to the question answer pairs, means for maintaining said question and answers in the database and lookup tables, means for each user to define rule sets comprising at least one for each personality profile, means for enabling the personality of profile of the user to be checked to conform to the rules, means for ensuring that the interactions between the users conform to the rules set by each user, means for developing and enabling the behavior model for each user, means for enabling interaction between users utilizing the user selected personality profiles (See page 2, paragraph [0030-0038] and page 3, paragraph [0039-0044]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Lieben et al in the claimed invention of Perge et al in order to observe the selection and/or rejection behavior of the participants of an Internet dating service and utilize the information to calculate compatibility scores (See page 1, paragraph [0016]).

10. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0014373 to Perge et al in view of U.S. Patent Application No. 2002/0052873 to Delgado et al as applied to claim 1 above, and further in view U.S. Patent Application No. 2003/0217106 to Adar et al.

a. As per claim 15, Perge et al teaches the claimed invention as described above. However, Perge et al fails to teach means for the personality profile to be constructed/deconstructed into a plurality of personality profile components, means for maintaining said personality profile components on the communication device, the local server and or the network servers, means for recompiling the personality profile dynamically for use on the communication device, means for encrypting the personality profile components and the personality profile, means for selecting and using the personality profile in communication and transactions.

Adar et al teaches means for the personality profile to be constructed/deconstructed into a plurality of personality profile components, means for maintaining said personality profile components on the communication device, the local server and or the network servers, means for recompiling the personality profile dynamically for use on the communication device, means for encrypting the personality profile components and the personality profile, means for selecting and using the personality profile in communication and transactions (See page 3, paragraph [0036] and paragraph [0046]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Adar et al in the claimed invention of Perge et al in

order to relieve the user from the task of having to manually build their own profile and to maximize user's privacy (See page 3, paragraph [0036 and paragraph [0046]).

11. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0014373 to Perge et al in view of U.S. Patent Application No. 2002/0052873 to Delgado et al as applied to claim 1 above, and further in view U.S. Patent No. 7,069308 to Abrams.

a. As per claim 19, Perge et al teaches the claimed invention as described above. Furthermore, Perge et al teaches means for the individual to form a personal matching network consisting of a plurality of other individuals of same or different personality profiles, means for creating a personal matching network consisting of the group of matched individuals and the group of unmatched individuals, means for inviting other individuals to join the user's personal matching network, means for negotiation of admission and denial of admission, means for forming subnets consisting of one or more individuals for specific purposes, means for inclusion of one or more groups that the user is a member of in the personal matching network of the user, means for setting permissions to enable or disable relationship mining by other individuals or groups, means for masking the users membership in the groups or other personal matching networks, means for managing the personal matching network by means of the software resident on the communication device itself and or the local or network servers.

Abrams teaches means for the individual to form a personal matching network consisting of a plurality of other individuals of same or different personality profiles,

means for creating a personal matching network consisting of the group of matched individuals and the group of unmatched individuals, means for inviting other individuals to join the user's personal matching network, means for negotiation of admission and denial of admission, means for forming subnets consisting of one or more individuals for specific purposes, means for inclusion of one or more groups that the user is a member of in the personal matching network of the user, means for setting permissions to enable or disable relationship mining by other individuals or groups, means for masking the users membership in the groups or other personal matching networks, means for managing the personal matching network by means of the software resident on the communication device itself and or the local or network servers (See col. 15, lines 3-34).

It would have been obvious to one with ordinary skill in the art incorporate the teaching of Abrams in the claimed invention of Perge et al in order to connect people via an online database and calculate, display and allow searching of social networks (See col. 4, lines 61-65).

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Djenane M. Bayard whose telephone number is (571) 272-3878. The examiner can normally be reached on Monday- Friday 5:30 AM- 3:00 PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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